



STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321  
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March 1, 2011

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

Subject: H.B. 1230, H.D. 1 Relating to Building Permits

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD oppose H.B. 1230, H.D. 1, which proposes to exempt the construction of low-risk, nonresidential, and aqua cultural structures under certain conditions from county building permit requirements.

The county fire departments understand the position of agriculture or aqua cultural businesses to streamline or eliminate the building permit process; however, new construction and renovation plans for compliance with the fire code are reviewed by the county fire departments. The fire code prescribes minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions. These requirements involve fire apparatus access roads and fire hydrant systems to ensure that fire or life-threatening situations are adequately addressed. This review may also involve the installation of flammable or combustible tanks. In addition, the building plan review process involves periodic inspections to ensure that plans are followed and construction materials meet minimum standards. When there is no regulatory oversight, substandard practices or materials may be used, which not only places occupants in danger, but first responders as well.

The SFC and the HFD urge your committee's deferral on the passage of H.B. 1230, H.D. 1.

The Honorable Gilbert Keith-Agaran, Chair  
Page 2  
March 1, 2011

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

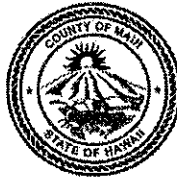
Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA  
Chair

KGS/LR:cn

ALAN M. ARAKAWA  
MAYOR



JEFFREY A. MURRAY  
CHIEF

ROBERT M. SHIMADA  
DEPUTY CHIEF

**COUNTY OF MAUI**  
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919  
EMAIL: fire.dept@mauicounty.gov

March 1, 2011

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

Subject: H.B. 1230, H.D. 1 Relating to Building Permits

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC opposes H.B. 1230, H.D. 1, which proposes to exempt from county building permit requirements the construction of low risk nonresidential and aquacultural structures, under certain conditions.


The fire departments are sensitive to the position of agriculture or aquacultural businesses in seeking to streamline or eliminate the building permit process. However, the county fire departments review new and renovation plans for compliance with the currently adopted fire code. The fire code prescribes minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions. These requirements involve proper fire apparatus access roads and fire hydrant systems to ensure that fire or life threatening situations are adequately addressed. This review may also involve the proper installation of flammable or combustible tanks. In addition, the building plan review process involves periodic inspections to be certain that plans are being followed and construction materials meet minimum standards. When there is no regulatory oversight, substandard practices or materials may be used, which not only places occupants in danger, but responding fire fighters as well.

The MFD and the SFC urge your committee's deferral on the passage of H.B. 1230, H.D. 1.

The Honorable Gilbert Keith-Agaran, Chair  
Page 2  
March 1, 2011

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,



JEFFREY A. MURRAY  
Fire Chief

**Bernard P. Carvalho, Jr.**  
Mayor



**Robert F. Westerman**  
Fire Chief

**Gary K. Heu**  
Managing Director

**John T. Blalock**  
Deputy Fire Chief

**KAUA'I FIRE DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766  
TEL (808) 241-4980 FAX (808) 241-6508

March 1, 2011

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

**Subject: H.B. 1230, H.D. 1 Relating to Building Permits**

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD opposes H.B. 1230, H.D. 1, which proposes to exempt from county building permit requirements the construction of low risk nonresidential and aquacultural structures, under certain conditions.

The fire departments are sensitive to the position of agriculture or aquacultural businesses in seeking to streamline or eliminate the building permit process. However, the county fire departments review new and renovation plans for compliance with the currently adopted fire code. The fire code prescribes minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions. These requirements involve proper fire apparatus access roads and fire hydrant systems to ensure that fire or life threatening situations are adequately addressed. This review may also involve the proper installation of flammable or combustible tanks. In addition, the building plan review process involves periodic inspections to be certain that plans are being followed and construction materials meet minimum standards. When there is no regulatory oversight, substandard practices or materials may be used, which not only places occupants in danger, but responding fire fighters as well.

The SFC and the KFD urge your committee's deferral on the passage of H.B. 1230, H.D. 1.

*An Equal Opportunity Employer*

Honorable Gilbert Keith-Agaran

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March 1, 2011

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a large, sweeping "R" and a long, horizontal flourish at the end.

Robert Westerman  
Fire Chief, County of Kaua'i

RFW/eld



THE HOUSE  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011

JUDICIARY COMMITTEE  
Representative Gilbert S.C. Keith-Agaran, Chair  
Representative Karl Rhoads, Vice Chair

DATE: Wednesday, March 2, 2011  
TIME: 2:05 PM  
PLACE: Conference Room 325, State Capitol  
415 South Beretania Street

RE: Testimony in Strong Support of HB1230 HD1 - Relating to Building Permits, with one requested amendment

Aloha Chair Keith-Agaran, Vice Chair Rhoads, and Committee Members,

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing aquaculture and aquaponics producers statewide, strongly supports HB1230 which states that no county shall require a building permit for the construction of low risk nonresidential temporary or permanent structures used for agricultural or aquacultural operations under specific conditions.

Passage of this bill will enable our aquaculture farmers to utilize readily available, low risk, recycled ocean shipping containers, modular structures, agricultural cold frames, and storage sheds for more affordable hatchery and office space, feed and equipment storage, and other farm infrastructure needs. This will allow farmers to set-up and operate their farms in a more timely and cost-effective manner while enhancing farm production and protecting personnel and/or farm equipment from inclement weather, coastal salt spray, avian predators, and theft and vandalism.

However, we urge your consideration of the following amendment.

Page 2, Lines 17 and 18, please amend current wording to read: "Low risk" means any structure [one thousand five hundred] two thousand square feet or smaller.

Justification: Commercially available agricultural cold frame structures (temporary hoop green houses) are widely used for temperature and pest control and are commonly sold in a 2,000 sq ft size ( 20 ft wide by 100ft in length). The current bill wording would require

that one-fourth of the length of these standard-sized cold frame structures would have to be removed in order to be compliant with current wording.

At present, in the City and County of Honolulu, all agricultural and aquacultural structures 100 square feet (10ft x 10ft) or larger are deemed commercial structures and must go through the same commercial review and can be held to the same commercial review standards as a public shopping center or hotel, thereby greatly increasing design, permitting, and construction time and costs for such agricultural structures. Also, all metal structures 18 inches or higher must be locally engineered and constructed, although recycled ocean shipping containers, modular structures, and other temporary metal structures such as storage sheds are ubiquitous in the islands, as are temporary cold frames widely used in the agriculture and aquaculture industries.

Other Counties may recognize agricultural structures as distinct from other commercial structures. However, compliance to stringent building permit requirements are still a major time and financial obstacle to competitive farming efforts in Hawaii in this increasingly global economy.

Issues of sewage disposal, potable water, "no pass" lines, grading, and flooding are addressed by other existing regulations. The proposed building permit exemption would not lessen such controls. Furthermore, many leased and privately owned farms are cooperators of the USDA Natural Resource Conservation Service (NCRS) which assists farms in developing conservation plans incorporating appropriate land use measures, and this cooperation would continue.

The present building permit system has been tried for decades and has proven to be a major impediment to economically viable and globally competitive commercial agriculture and aquaculture in Hawaii. It is time to amend current laws to be more favorable and supportive of agriculture and aquaculture ventures in Hawaii.

Thank you for the opportunity to testify and offer an amendment on this important bill.

Sincerely,

A handwritten signature in black ink, reading "Ronald P. Weidenbach". The signature is written in a cursive, flowing style.

Ronald P Weidenbach  
HAAA President



## **EAST OAHU COUNTY FARM BUREAU**

**45-260 WAIKALUA ROAD S 101 KANELOE, HI 96744**

February 28, 2011

Representative Gilbert S.C. Keith-Agaran, Chair  
Senate Committee on Judiciary  
State Capitol Building, 415 S. Beretania St.  
Honolulu, Hawaii 96813

Dear Representative Keith-Agaran and Members of the Committee:

I am sending this testimony to express the **strong support** of the East Oahu County Farm Bureau for **HB 1230 HD1**, "Relating to Building Permits." On Oahu, agricultural structures are generally treated as commercial buildings, and are subject to burdensome standards that may be appropriate for large public buildings, but that are excessive for farm structures such as sheds, greenhouses, and equipment housings. These standards are a major obstacle in terms of both time and money to any farmer who wants to improve or expand his operation.

HB 1230 HD1 would remove the County requirement of a building permit for certain temporary or permanent nonresidential structures, and would therefore significantly reduce one major obstacle to profitable farming. We support this bill and applaud its intention to remove unnecessary and expensive restrictions on agricultural and aquacultural businesses.

We would, however, like to suggest one minor change to HB 1230 HD1. We would prefer that the size limit for exempted structures be 2000 square feet instead of 1500, in order to accommodate commercially available greenhouse structures that are needed for insect control and protection from wind and weather.

Thank you for the opportunity to testify.

Sincerely,

Frederick M. Mencher  
for Grant Hamachi, President

1 March, 2011

To: Chair Keith-Agaran, Vice Chair Rhoads, and Committee Members

Fr: Paul Bienfang, Ph.D.

RE: Testimony In Support of **HB1230 HD1** Relating to Aquaculture

I write to ask your support of this bill.

Though not presently a practicing farmer, I have a long association in both the research and aquafarming industry segments locally. Perpetuating and supporting this diversified agriculture sector creates jobs, supports small businesses, and reduces seafood imports to the State by enhancing the local production of high quality seafood in an environmentally friendly manner.

The exception of building permit for structure less than 2000 square feet being sought completions the size of available low-cost greenhouses and will support the stability and enhancement of local aquaculture.

**testimony in support of HB1230 HD1 Relating to Building permits**

Haws@aol.com [Haws@aol.com]

**Sent:** Tuesday, March 01, 2011 4:18 PM

**To:** JUDtestimony

Dear Sir or Madam:

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I would like to submit testimony in support of HB1230 Relating to Building Permits. As an aquaculture professional and private citizen who supports sustainable aquaculture development, I believe this bill will strengthen the state's agriculture industry which includes aquaculture. The issue of the difficulty of permitting low risk aquaculture structures has been identified as a major impediment to aquaculture development, particularly for the small family operated farms. Low risk and low cost buildings are essential to small fish farmers and families who farm since they often cannot afford engineering and permitting processes. Moreover, these structures are commonly used in Hawaii and have been demonstrated to pose little risk. Additionally, this will also ease the work burden and cost to the public for the state agencies, which are already overburdened. In this time of economic difficulties, this sort of cost-saving, business-supportive measure makes sense.

Thank you for your consideration.

Maria Haws, Ph.D.  
455 Akolea Rd.  
Hilo, HI 96720

Assistant Professor of Aquaculture  
University of Hawaii Sea Grant Aquaculture Extension Agent  
1079 Kalaniana'ole Hwy.  
Hilo, HI 96720 USA  
phone (808) 933-3288  
fax (808) 933-0499  
skype: pacrc99

**Testimony for HB1230 on 3/2/2011 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 28, 2011 7:51 AM

**To:** JUDtestimony

**Cc:** damagicjuice@gmail.com

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Testimony for JUD 3/2/2011 2:05:00 PM HB1230

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: STAN RUIDAS

Organization: Individual

Address:

Phone:

E-mail: damagicjuice@gmail.com

Submitted on: 2/28/2011

Comments:



**Hawaii Farm Bureau**  
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819  
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272  
Fax: (808) 848-1921 • Email: [info@hfbf.org](mailto:info@hfbf.org)  
[www.hfbf.org](http://www.hfbf.org)

**COMMITTEE ON JUDICIARY**

March 2, 2011

2:05 pm

Room 325

**HB 1230 HD1**

**Relating to Building Permits**

Aloha Chair Keith-Agaron and Vice Chair Rhoads, and Members of the Committee:

The Hawaii Farm Bureau, on behalf of our commercial farm and ranch families and organizations across the State, is in **strong support of HB 1230 HD1**.

This bill is a good example of how the State and the Counties can help agriculture without incurring any fiscal impact.

Buildings are needed for farms and ranches, whether for storage or greenhouses for growing plants. Many of our farmers and ranchers have been unable to obtain building permits or have had to wait for years or expend exorbitant amounts to get a permit because residential-type standards are imposed regardless of the intended use of the structure.

This bill would allow agriculture and aquaculture farmers to use low risk, recycled ocean shipping containers and storage sheds for more affordable hatchery, office space, and feed and equipment storage. Farmers will be able to operate their farms more cost-effectively, while protecting employees and farm equipment from poor weather, salt spray, birds, theft, and vandalism.

We would also like to address the concerns raised by the Department of Agriculture in a prior hearing. DOA acknowledges that the county permit process needs streamlining but they believe that certain minimum standards should be met for safety and public health reasons. We agree.

- The bill only exempts certain structures from the building permit process, but not from other requirements. Owners of buildings are *not* exempt from complying with applicable health and safety regulations.
- Permanent structures must be designed and engineered pursuant to the International Building Code. The exemption is for the building permit process, not the building code. If the structure is not up to Code, it would be in violation.

- Structures covered by the exemption are not meant for public occupancy or public access; rather they are utility-type buildings that only the farmer or farm workers will use.
- HIOSH (OSHA) regulations would not be waived; they are still applicable whether or not there is a building permit.
- Sewage regulations are enforced through the State DOH and the counties. State wastewater rules, Hawaii Administrative Rules (HAR) 11-62, would not be waived.
- Potable water regulations are enforced through the State DOH Safe Drinking Water Branch, HAR 11-20, and would not be waived. The majority of these buildings would not have any water systems, but some may contain irrigation-type systems, just as a farm would have irrigation systems outside of the building that would not fall into the building permit requirement.
- Electrical and plumbing concerns for permanent structures would be addressed through the requirement in the bill for compliance with the International Building Code. The majority of these buildings would not have installed plumbing or electricity.
- Soil grading concerns. There is no exemption in the proposed law from County grading ordinance requirements. These ordinances are not triggered by the building permit process but rather through the grading and grubbing activity itself.

**The bottom line is that health and safety regulations will not be waived.** The onus of compliance with the applicable regulations has always been on the building owner and it will remain so. The difference is that he will not be additionally burdened or delayed by having to go through the building permit *process*.

Thank you very much for your continued support for agriculture in Hawaii.